

SOUTH DAKOTA BOARD OF EDUCATION

Meeting Minutes, January 22-23, 2007, Kneip Conference Room 3, Pierre, South Dakota

The South Dakota Board of Education convened a regular meeting at 9:05 a.m. on Monday, January 22, 2007, at Kneip Conference Room 3 in Pierre, South Dakota.

Board Members Present

Kelly Duncan, President; Roger Porch, (absent on Tuesday, January 23) Vice President; Glenna Fouberg; Richard Gowen; Jan Nicolay; Clint Waara; Patricia Simmons; Marilyn Hoyt and Don Kirkegaard were present.

Department of Education Staff Present

Rick Melmer, Cabinet Secretary
Wade Pogany, Director, Office of Curriculum and Instruction
Melody Schopp, Director, Office of Accreditation & Teacher Quality
Diane Lowery, State Title 1 Director
Dorothy Liegl, Director, State Library
Ann Larsen, Director, Special Education
Keith Moore, Coordinator, Indian Education
Jennifer Neuhauser, Office of Accreditation & Teacher Quality
Dmitri Melius, Grantwriter, Office of the Secretary
Betty Leidholt, Executive Assistant, Office of the Secretary

Others Present

Approximately 12 individuals attended all or part of the meeting. A list of those who signed the meeting register is filed in the Board of Education Secretary's office.

President Kelly Duncan called the meeting to order and started with the pledge of allegiance.

Kelly took a moment to welcome Don Kirkegaard, superintendent in the Britton-Hecla School District as the new board member replacing Jack Broome. Rick Melmer welcomed the new board secretary, Betty Leidholt.

Adoption of Agenda

Add item 2.5 to begin immediately from grantwriter, Dmitri Melius. At 10:10 move Item 21 that was scheduled for tomorrow to that time which was Wade's 2010E update. Move Item 22, Sam Gingerich, BOR to 3:15 today. Consensus from the Board to move the Tuesday, January 23 afternoon agenda items to the morning and begin at 8:00 a.m. with Item 17. *Richard Gowen made a motion to adopt the agenda with the changes and Patricia Simmons seconded. Motion carried.*

Approval of November 13-14, 2006 Minutes

Glenna Fouberg moved to approve the minutes of the November 13-14, 2006 meeting with the minor word changes that Fouberg and President Duncan shared with Betty Leidholt before the meeting. Roger Porch seconded. Motion carried.

State Scholars Initiative and Housebill 1113

Dmitri Melius, grantwriter for the Department of Education shared information about the \$300,000 State Scholars Initiative which was granted from Western Interstate Commission for Higher Education (WICHE). (See document filed with board secretary.)

Melius mentioned that House Bill 1113 would add two non-voting student members to the board. The Student Leadership Initiative through NASBE, is sponsored by the Metlife Foundation. Concerns were shared about having a high school student come to Pierre for overnight stays to attend the board meetings and who would be responsible for them. Kelly shared that the concept of getting input from

students is a wonderful idea and said a possible alternative could be a college age student who was perhaps a teacher education major. Jan shared that a better way to get a student involved was to have them attend their local school board meetings. Roger Porch asked Dr. Melmer to share the board's thoughts and concerns. Dr. Melmer asked the board to take action so he could take the statement to the committee hearing and say this is what the board did on the 22nd of January and that would stand as our testimony. *Roger Porch made a motion to oppose House Bill 1113 as it is written. The board would welcome the input from students but oppose the bill because there are concerns about the logistics. Richard Gowen seconded. Motion carried.*

Title I District Improvement Plan Audit process

Diane Lowery, Department of Education brought to the board for informational purposes only the corrective action for Title I Districts that are in level three of district improvement and reviewed the accountability tools that are used. (See document filed with board secretary)

Jan Nicolay asked about redirecting funds if a school is in corrective action. Lowery clarified that they would be Title 1 funds not general funds. Shannon County and Todd County are the two districts in corrective action phase and Sioux Falls, Rapid City and Eagle Butte are in level two of district improvement. Districts have to fail in all three grade spans to not make AYP.

Audits have taken place in Shannon and Todd County. Audit reports have not come back yet. Jan Nicolay asked that a correction be made on page 8, section d, number 1, letter c that it redirects "federal" funds and to state that it is the districts funds not local funds.

Native American Graduation Rates

Keith Moore, director of Indian Education for the Department of Education brought items to the board for information purposes only. Keith thanked Clint Waara for requesting the query and then reviewed the handouts dealing with graduation rates for Native American students. (See document filed with board secretary) The number one tool being used to improve the numbers of Native American students through high school graduation and on to post-secondary level is the Gear Up program.

Administrative Rule Waivers

Jennifer Neuhauser, Department of Education shared the history of the waivers from May, 2002 until the present. (See document filed with board secretary)

Dr. Melmer clarified after much discussion that if schools deviate from the norm and start taking classes early the DOE wants to make sure the students are getting the instruction they are supposed to.

Pam Homan, superintendent of the Sioux Falls School District shared that since 2002, 7th and 8th grade students have been allowed to take high school level courses taught by high school certified teachers and those students take the same high school exam. This year out of the 1500 7th grade students, 49 are participating in Algebra 1. These students are the brightest and best and go on to five and six years of math. In Sioux Falls it is required that students take a math course their senior year. The average 8th grade semester test score was 93.3 percent in Algebra 1. Average score for the 49 7th graders was 95%. Dr. Melmer asked Homan if Sioux Falls would go along with the certified teacher guidelines and she assured the board that they would. Dr. Melmer also stated that districts who request a waiver provide proof that there is a five or six year math program available to these students.

Katie Bray, principal at Rapid City Stevens High School said she had little to add to Pam Homan's information. If there is a test-out process, Katie asked that it not begin until the fall of 2007-2008 school year for the sake of the students and their parents that are enrolled this year.

Dr. Melmer clarified what was being asked for the board to consider (March meeting) . The waiver program would require an end-of-course exam for any course that has requested a waiver for high school credit, and implemented for the spring of 2007 with the following assumptions: 1) students should be able to take the test anyway – whether it be set in September or March. If the students have mastered the content, they should be able pass the exam; and 2) if they fail the test they cannot count it for credit. The student could pass the course and continue to take math credits. Dr. Melmer stated that the Department would not object to the exam being taken multiple times in order to pass. Dr. Melmer wanted to make sure there was a demonstration of competence at some point in time to grant credit. It would be necessary to provide proof that there are enough math classes for students to take through their high school careers.

Jennifer Neuhauser was asked to bring a policy back to the March meeting, and for the sake of the districts a request of where the board was at on this issue so that there would be guidance to take back to the districts and parents. *Don Kirkegaard moved to support the recommendation but requested that other courses be included in addition to math. Kirkegaard would like it to be the state's test when they have a test available and if they don't have one that it be a district test approved by the state. Richard Gowen seconded the motion.* Roger Porch wanted clarification if they were approving the concept in general terms today and how does that affect the districts and then will we receive further clarification? President Duncan clarified that Jennifer will come back in March with language that would be a revision to the administrative rule. Dr. Melmer clarified that it is important for the districts to know as soon as possible what the board intends to do. Rules would be presented to the board in March unless it was decided to call a special board meeting via teleconference to do something sooner if the districts said this is compelling. *A vote was taken and the motion passed. President Duncan asked that Dr. Gowen be the board liason and that he and Neuhauser confer back and forth to finalize a policy to bring back in March.*

Neuhauser shared that both Sioux Falls and Rapid City hold waivers to offer credit by exam for different courses that they offer at the high school level. Concerns were shared for the test out option. In November of 2006, Sioux Falls school district asked for an administrative waiver to offer credit by exam for a health class and to have an answer by the January semester start time. It was denied because there was not enough information. No action requested on this issue.

Because some schools have asked for a clarification of what can be counted as a PE, health credit, marching band, or piano lessons credit etc., President Duncan asked Jennifer Neuhauser to come up with courses that can be counted. Dr. Melmer reminded the board that the Board of Regents require a letter grade so they can calculate GPA in order to qualify for the Opportunity Scholarship.

Northern State University Teacher Education Program Report

Jennifer Neuhauser, Accreditation & Teacher Quality shared the results of the NSU teacher education report (See document filed with board secretary.) The state team voted unanimously to approve all programs at Northern for continuing education. Northern submitted a rejoinder for the strands that met with weakness which is included in the report. Of the six National Council for Accreditation of Teacher Education (NCATE) standards that were looked at, the state team recommended to continue full accreditation without any conditions. Neuhauser asked that the board approve the continuing accreditation for Northern's teacher education program based on the approval from the state team and NCATE team. Jan Nicolay asked that on page 16 Neuhauser fix her numbers at the top of the page. *President Duncan asked for a motion to grant the approval of the NSU teacher education program. Glenna Fouberg moved and Don Kirkegaard seconded. Motion passed.*

Public Hearing – Article 24:06 School Buses

Jim Schafer is asking that revisions to bus rules in Article 24:06 be passed along with three additional items. President Duncan asked to address each issue separately.

1. 24:06:01 through 24:06:08 inclusive updates standards from 2000 to the 2005 standards.
2. Any vehicle meeting the definition of a school bus would require a CDL license. After much discussion President Duncan asked for action on proposed rules for 24:06:08:05 *Don Kirkegaard moved that we table this portion of the rule changes. Richard Gowen seconded. Motion carried.*
3. Proposed rules for 24:06:08:06 were specific to allowing yellow school buses to tow trailers. *Glenna Fouberg moved any vehicle meeting the definition of a school bus will be allowed to tow any type of trailer or vehicle with passengers on the bus if it has another emergency exit other than the rear emergency exit. Pat Simmons seconded. Motion carried.*
4. Proposed rules for 24:06:08:07 were specific to the hours of service for drivers of a school bus. There was significant concern that these restrictions would cause hardship to small districts that utilize their coaching staff and community members for driving a bus. This would also be a book-keeping issue in logging the hours of work for bus drivers. *Don Kirkegaard made a motion to table and Clint Waara seconded. Roll call vote was taken.*
Don - Yes
Kelly – No
Patricia – Yes
Glenna – Yes
Richard – No
Marilyn – Yes
Jan – No
Roger – Yes
Clint – Yes
Motion to table carried.

Motion by Richard Gowen to vote for overall adoption of the update to the standards as well as to add the language regarding the towing of trailers. Glenna Fouberg seconded. Motion carried.

Public Hearing – Article 24:15 National Board Teacher Certification Administrative Rules

Melody Schopp, director, Office of Accreditation & Teacher Quality gave some background on the issue. Initially there was enough guidance through statute, but over time there has been a lot of questions. Roxie Thielen assisted Melody in drafting the rules. (See document filed with the board secretary.) The purpose of the new rules is to put together procedurally what is happening currently through National Board Certification. *Don Kirkegaard moved to adopt the rules, Glenna Fouberg seconded. Motion carried.*

At this time Melody introduced Lanette Johnson, Accreditation and Teacher Quality who has assumed the position working with the National Board. She will also be coordinating the Teacher of the Year and Milken program.

Public Hearing – Chapter 24:43:05 Specialized Nonpublic Education Programs

Melody Schopp, director, Office of Accreditation & Teacher Quality explained that the proposed rules would allow students who are in specialized programs and complete coursework to be allowed to transfer the credit when they re-enter the public school system. *Jan Nicolay moved approval and Glenna Fouberg seconded. Motion carried.*

First Reading – 24:15:02:08 – State Certification Exam Requirements

Melody Schopp, director, Office of Accreditation and Teacher Quality explained that after a year of implementation of Praxis testing, there have been a number of issues that have surfaced that need to be

addressed. These rules specifically address two areas: 1.) there are excessive requirements for out-of-state applicants and these rules request to eliminate the requirement for pedagogy testing for experienced teachers; and 2.) the amended rules eliminate the requirement that teachers must test in all content areas after allowing their certificate to lapse. The Department of Education requests the board move **24:15:02:08 state certification exam requirements to a public hearing at the March Board of Education meeting.** *Clint Waara made a motion that the State Certification Exam Requirements be moved to a public hearing at the March Board of Education meeting. Don Kirkegaard seconded. Motion carried.*

First Reading – 24:43:01:01 (18) Definitions of Fine Arts

Jennifer Neuhauser, Accreditation & Teacher Quality noted that the Department of Education has opted to add the term “performance” to be included in the definition of “fine arts”. This change will make the department’s definition match the definition used by school districts for the South Dakota Opportunity Scholarship. **The Department of Education requests the board move 24:43:01:01 (18) Definitions of Fine Arts to a public hearing at the March Board of Education meeting.** *Glenna Fouberg made a motion to add the word “performance” to be included in the definition of “fine arts”. Richard Gowen seconded. Motion carried.*

First Reading – 24:05 Special Education - ARSD rule changes

Ann Larsen, director, Special Education reviewed the revisions made in the administrative rules of South Dakota for special education. (See document filed with the board secretary.) **The Department of Education requests the board move 24:05 Social Studies alternate content standards and achievement descriptors to a public hearing at the March board of education meeting.** *Richard Gowen made a motion to move this to public hearing. Jan Nicolay seconded. Motion carried.*

High School Graduation Requirements Discussion

Dr. Melmer, and Wade Pogany from the Department of Education led this discussion. (See document filed with the board secretary). Each state has different requirements. This was for informational purposes only. Dr. Melmer asked that the board discuss this issue after session. Questions need to be directed to the Board of Regents about where things are today and progress on the end of course exams. This discussion will be resumed at the March meeting.

Board of Regents

Sam Gingerich, Board of Regents shared information on the teacher education accountability report and the on-going system-wide review of programs in teacher education/leadership. (See document filed with board secretary.) This item was for informational purposes. The Board of Regents commissioned a task force this year with members from varied areas to take a broad look at teacher education. The goal of that process is to align undergraduate and graduate teacher education programs offered by the regental universities through the means of K-12 schools for qualified teachers and administrators as well with the expectation of state leaders that this mission with the universities be met. A need is to develop partnerships with K-12 schools.

Technical Institute School Report

Mitch Richter presented the handout of Senate Bill No. 95 which would establish a state board of technical institutes to provide for its powers, duties and responsibilities, and to provide for the transfer of authority over public post-secondary technical education from the Department of Education to the state board of technical institutes. (See document filed with board secretary) At the next board meeting Richter will present the board with budgets and facility fee information. Jan Nicolay asked for the budget information that the board requested a year ago in and to have it be in the form that was requested. Richter said that the board will receive it in some form. Several board members shared some ideas of possible changes. Nicolay asked that Richter e-mail President Duncan so she can notify board members when this bill will come forth.

Dr. Rich Gross presented a workforce development website presentation for the board for informational purposes.

President Duncan asked that the meeting begin at 8:00 a.m. tomorrow morning. The goal will be adjourn by 11:00.

Tuesday, January 23, 2007 South Dakota Board of Education Meeting

Roll Call – All present except for Roger Porch and Clint Waara. Clint arrived after roll call was taken.

Educational Testing Services, Katherine Bassett and Steve Pote

Katherine Bassett, from Educational Testing Services gave an in-depth update as South Dakota has just completed their first year of implementing the Praxis test. (See document filed with board secretary.) Bassett shared that ETS cannot demand a social security number for individuals' information. While there is not a law saying that you cannot demand a SSN there is precedent stating that you cannot deny services to someone because they refuse to supply a SSN. Bassett talked about putting wording on the state website such as: South Dakota requires a SSN to issue a license. If you fail to provide your SSN on your assessment paperwork issuance of your license could be slowed.

Richard Gowen noted his concern about the bar being very low for passing the Praxis test. Dr. Melmer shared that we set the bar lower to get started. Some higher education folks encouraged us not to set a bar at all. Our fear was that people could take the test and be certified even though they did poorly on the test. Dr. Melmer shared that we will need to look at raising the bar for passing, however our philosophy should always be to find ways to encourage people to get into the profession and not finding ways to keep people out.

Dr. Melmer asked Bassett and Steve Pote from ETS to research something for the board pertaining to South Dakota's laptop initiative which corresponds to a freshman college assessment that students use to measure technology skills. It is called ICT literacy. Dr. Melmer asked that ETS representatives connect with Wade Pogany about the possibility of this assessment.

A rousing rendition of happy birthday was shared with Katherine Bassett who is celebrating her birthday.

DOE Update

Wade Pogany and Melody Schopp from DOE updated the board on mission metrics, legislative issues and virtual high school. (See document filed with the board secretary.)

Jan Nicolay asked that Dr. Melmer notify the board when the bill for changing the age for compulsory education to age 18 is up for the legislature.

President Duncan shared that the next meeting is to be held at the Kneip Conference Room #3 in Pierre on March 19 – 20. She shared that on Sunday evening March 18th the board will meet with the Associated School Board, so members will want to get in early enough for that.

State Library Update

Dorothy Liegl, Director, State Library shared the progress of the state library transition project and the potential impact on school and technical libraries. She also shared how this transition relates to 2010E. (See document filed with board secretary.) Glenna Fouberg asked Liegl about a growth chart and a list

of 100 books and she supplied them for board members. Don Kirkegaard brought concerns and questions to Dorothy regarding postage costs.

The board also talked about visiting the state penitentiary graphic area in May.

NASBE project

Clint Waara, Board of Education shared information regarding his NASBE financial education commission participation on financial literacy. He attended two of the three commission meetings Jan 27th and 28th and April 7th and 8th. The commission met to discuss the status of financial and investor literacy and to make recommendations. The commission made eight recommendations that are covered in depth in the report. Waara was one of three commission members that reported these recommendations to the NASBE annual conference Oct. 12-14th in Louisville, KY. He requests that the board review recommendations and consider possible changes to our financial literacy approach. Waara is going to lobby that the jumpstart survey be administered in high schools in South Dakota. Waara will work with Wade Pogany on this so that a baseline will be established to work with on how our high school students rate in financial literacy. (See document filed with board secretary.)

Secretary's Report

Dr. Melmer, Department of Education reported that Stephanie Weideman, Department of Education should be delivering her baby today.

Legislative session has consumed much more time this year than ever before, pace is faster and issues are much more plentiful. Education is really on the forefront. The DOE is serious about trying to push the 2010E agenda forward. Jan Nicolay asked for someone to keep the board updated on the session bills.

March Meeting Date

President Duncan shared that the next meeting is in Pierre at the Kneip Conference Room #3 on March 19 – 20. On Sunday evening, March 18th the board will meet with the Associated School Board.

I, Rick Melmer, Executive Officer of the South Dakota Board of Education, declare the foregoing to be a complete and true record of the minutes of the South Dakota Board of Education held on January 22nd and 23rd, 2007.

Rick Melmer